

requests comments on proposed rules “to ensure that individuals and families residing in HUD public housing in fact continue to need housing assistance . . . after admission.” *Id.*

4. Relevant to this case, the notice states as follows, “An individual’s or family’s rent is referred to as the Total Tenant Payment (TTP) and is based on a family’s anticipated annual income less deductions, if any, or the applicable flat rent.” *Id.*

5. Plaintiffs believe that HUD’s statement in the notice supports their argument that Brooke Amendment “rent” means “Total Tenant Payment” and, therefore, includes the reasonable cost of utilities paid to third parties. *See* Dkt. No. 38 at 7-14; 24 C.F.R. § 960.253.

6. Plaintiffs did not learn about the recently issued HUD notice until after they filed their brief. Accordingly, they now ask the Court for leave to submit this additional authority in support of their response to Defendant’s motion to dismiss.

Respectfully submitted:

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